

Council Communication
September 22, 2008 City Council Meeting

Department: Community Development	Ordinance No.: Resolution No.: <u>08-280</u>	Public Hearing: <u>9-22-08</u>						
Case/Project No.: URN-08-002								
Subject/Title								
Amendment No. 3 to the Mid-America Center Urban Renewal Plan and Area								
Location								
From 23 rd Avenue to the Interstate right-of-way between South 21 st Street to the east line of Doll Distributing and extending northwest along 35 th Street and south along Nebraska Avenue								
Background/Discussion								
<u>Background</u> The Mid-America Center Urban Renewal Plan was approved in May of 2001 with the adoption of Resolution 01-140. It was originally prepared to allow the use of tax increment financing for public improvements associated with the development of the Mid-America Center. Subsequently, Resolution 04-11, adopted in January of 2004 approved Amendment No. 1 to this plan. Amendment No. 1 was intended to facilitate urban renewal assistance to the Bass Pro Shops. Amendment No. 2, adopted by Resolution 06-276 in October of 2006, added additional land to the urban renewal area to assist the City in recovering its public infrastructure and facility investment costs which serve both the Mid-America Center and Horseshoe Casino.								
<u>Discussion</u> It is now necessary to consider adoption of Amendment No. 3 to the plan and area because the City has determined that additional proposed project area activities are possible. The proposed activities identified as potential projects, include the expansion of retail opportunities in the community through the construction of a 374,000 square foot retail center, the issuance of additional city bonds, reconstruction of public infrastructure and the construction of a public safety building. Land will also be added to the east of the amended MAC Urban Renewal Area and the effective term of the Plan will also be eliminated. Concurrent to the adoption of Amendment No. 3, the City intends to modify the existing tax increment financing regime to include the additional area added to the amended urban renewal plan and area. On August 25, 2008, the City Council passed a resolution of necessity, which directed staff to initiate the process of amending the Mid-America Center Urban Renewal Plan and Area. This resolution established the following actions and timeframes: <table style="margin-left: 40px; width: 80%;"><tr><td style="width: 35%;">September 3, 2008</td><td>Consultation hearing with affected taxing jurisdictions</td></tr><tr><td>September 9, 2008</td><td>City Planning Commission hearing and review</td></tr><tr><td>September 22, 2008</td><td>City Council public hearing</td></tr></table> The consultation meeting was held on September 3, 2008 and no individuals or groups appeared at the hearing. Additionally, no written correspondence has been received by the Community Development Department either in support or against the proposed amendment.			September 3, 2008	Consultation hearing with affected taxing jurisdictions	September 9, 2008	City Planning Commission hearing and review	September 22, 2008	City Council public hearing
September 3, 2008	Consultation hearing with affected taxing jurisdictions							
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Recommendation

The Community Development Department recommends approval of the proposed Amendment #3 to the Mid-America Center Urban Renewal Plan and Area and first consideration of the TIF ordinance.

City Planning Commission Public Hearing – September 9, 2008

The following appeared before the Planning Commission in favor of the request: Gayle Malmquist, Community Development Department

The following appeared before the Planning Commission in opposition to the request: None.

City Planning Commission Recommendation

Concur with the Community Development Department to approve Amendment #3 to the Mid-America Center Urban Renewal Plan and Area, as presented.

VOTE: Aye 10 Nay 0 Abstain 0 Absent 1 Motion Carried.

Attachments

- 1) Amendment #3 to the Mid-America Center Urban Renewal Plan and Area
- 2) Resolution adopting Amendment #3
- 3) TIF Ordinance

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

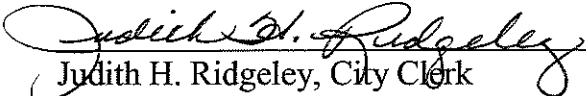
Governmental Body: The City Council of Council Bluffs, Iowa.
Date of Meeting: September 22, 2008.
Time of Meeting: 7 o'clock P.M.
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

- X Public Hearing on proposed Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) of the City of Council Bluffs, Iowa.
- X Resolution 08-280 determining an area of the City to be an economic development area, and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for an Urban Renewal Project; and adopting Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) therefor.

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of said governmental body.


Judith H. Ridgeley, City Clerk

September 22, 2008

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P.M. on the above date. There were present Mayor Thomas P. Hanafan, in the Chair, and the following named Council Members:

Absent: _____

* * * * *

This being the time and place fixed for a public hearing on the matter of the adoption of the proposed Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan), the Mayor first asked for the report of the Designated Representative with respect to the consultation held with the affected taxing entities to discuss the proposed Amendment. The Council was informed that the consultation was duly held as ordered by the Council, and that no written recommendations were received from affected taxing entities. The report of the Designated Representative with respect to the consultation was placed on file for consideration by the Council.

The Council also was informed that the proposed Amendment had been approved by the Planning and Zoning Commission as being in conformity with the general plan for development of the City as a whole, as set forth in the minutes or report of said Commission previously placed on file for consideration by the Council.

The Mayor then asked the City Clerk whether any written objections had been filed with respect to the proposed Amendment, and the City Clerk reported that _____ written objections thereto had been filed. The Mayor then called for any oral objections to the adoption of the proposed Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) and _____ were made. The public hearing was then closed.

[Attach summary of objections here]

Council Member _____ then introduced the following Resolution entitled "RESOLUTION DETERMINING AN AREA OF THE CITY TO BE AN ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; AND ADOPTING AMENDMENT NO. 3 TO THE MID-AMERICA CENTER (MAC) URBAN RENEWAL PLAN (F/K/A MARCC URBAN RENEWAL PLAN) THEREFOR" and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION NO. 08-280

RESOLUTION DETERMINING AN AREA OF THE CITY TO BE AN ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; AND ADOPTING AMENDMENT NO. 3 TO THE MID-AMERICA CENTER (MAC) URBAN RENEWAL PLAN (F/K/A MARCC URBAN RENEWAL PLAN) THEREFOR

WHEREAS, by Resolution No. 01-140, adopted May 21, 2001, this Council found and determined that certain areas located within the City are eligible and should be

designated as an urban renewal area under Iowa law, and approved and adopted the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) (the "Plan") for the Mid-America Center (MAC) Urban Renewal Plan Area (f/k/a MARCC Urban Renewal Area) (the "Mid-America Center (MAC) Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Pottawattamie County; and

WHEREAS, by Resolution 04-11, adopted January 26, 2004, this Council adopted Amendment No. 1 to the Plan; and

WHEREAS, by Resolution No. 06-276, adopted October 23, 2006, this Council adopted Amendment No. 2 to the Plan; and

WHEREAS, the Mid-America Center (MAC) Urban Renewal Area (f/k/a MARCC Urban Renewal Area) currently includes and consists of:

ORIGINAL PROJECT AREA

A parcel of land being a portion of the West Half (W1/2) and a portion of the West Half of the East Half (W1/2 E1/2) of Section 3, and a portion of the North Half (N1/2) of Section 4, all in Township 74 North, Range 44 West of the Fifth Principal Meridian, City of Council Bluffs, Pottawattamie County, Iowa, bounded and described as follows:

Beginning at the west quarter corner of said Section 3;

thence along the west line of said Section 3, North 0 degrees 00 minutes 00 seconds East, 40.02 feet to a point on the northerly right-of-way line of 23rd Avenue;

thence along said northerly right-of-way line, South 88 degrees 23 minutes 25 seconds East, 340.05 feet;

thence continuing along said northerly right-of-way line, North 75 degrees 58 minutes 12 seconds East, 37.20 feet to a point on the westerly right-of-way line of 35th Street Diagonal;

thence along said westerly right-of-way line, North 22 degrees 16 minutes 44 seconds West, 37.20 feet;

thence continuing along said westerly right-of-way line, North 36 degrees 47 minutes 45 seconds West, 173.00 feet;

thence South 53 degrees 12 minutes 15 seconds West, 289.12 feet to a point on the northerly right-of-way line of 23rd Avenue;

thence along said northerly right-of-way line, North 88 degrees 23 minutes 25 seconds West, 26.77 feet;

thence continuing along said northerly right-of-way line, North 88 degrees 08 minutes 44 seconds West, 40.27 feet;

thence North 0 degrees 02 minutes 37 seconds West, 7.93 feet;

thence North 36 degrees 47 minutes 45 seconds West, 11.87 feet;

thence North 53 degrees 12 minutes 15 seconds East, 326.50 feet to a point on the southwesterly right-of-way line of said 35th Street Diagonal;

thence along said 35th Street Diagonal, North 36 degrees 47 minutes 45 seconds West, 1307.28 feet to a point on the southeasterly right-of-way line of Nebraska Avenue;

thence along said southeasterly right-of-way line, South 53 degrees 12 minutes 15 seconds West, 750.00 feet;

thence North 36 degrees 47 minutes 45 seconds West, 100.00 feet;

thence parallel with said southeasterly right-of-way line and along the northwesterly right-of-way line of Nebraska Avenue, North 53 degrees 12 minutes 15 seconds East,

830.00 feet to a point on the northeasterly right-of-way line of said 35th Street Diagonal;

thence along said northeasterly right-of-way line, South 36 degrees 47 minutes 45 seconds East, 1581.05 feet to the beginning of a curve, concave northeasterly, having a radius of 480.82 feet;

thence continuing southeasterly along said northeasterly right-of-way line and along said curve, through a central angle of 51 degrees 35 minutes 40 seconds, 432.97 feet to a point on the northerly right-of-way line of 23rd Avenue;

thence along said northerly right-of-way line, South 88 degrees 23 minutes 25 seconds East, 2087.72 feet to the intersection with the northerly prolongation of the easterly line of a parcel of land conveyed by Joseph B. Katelman and Jeanette Katelman to Iowa Power and Light Company, by Warranty Deed recorded in Book 1497, Page 206 Records of the Pottawattamie County Recorder;

thence along said northerly prolongation and along said easterly line, South 0 degrees 39 minutes 35 seconds West, 370.00 feet to the southeast corner of said conveyed parcel;

thence South 88 degrees 23 minutes 26 seconds East, 82.58 feet;

thence South 0 degrees 47 minutes 48 seconds West, 1272.00 feet;

thence North 88 degrees 23 minutes 26 seconds West, 279.54 feet to the intersection with the north-south centerline of said Section 3;

thence along said north-south centerline, South 0 degrees 39 minutes 35 seconds West, 879.85 feet to a point on the northerly right-of-way line of Interstate Highways 29 and 80;

thence along said Interstate right-of-way line, the following seven (7) courses:

- 1) North 88 degrees 39 minutes 00 seconds West, 379.74 feet;
- 2) North 65 degrees 50 minutes 40 seconds West, 323.86 feet;
- 3) North 88 degrees 09 minutes 40 seconds West, 441.03 feet;
- 4) North 52 degrees 46 minutes 05 seconds West, 615.62 feet;
- 5) North 44 degrees 44 minutes 50 seconds West, 507.81 feet;
- 6) North 42 degrees 29 minutes 15 seconds West, 445.31 feet;
- 7) North 43 degrees 22 minutes 01 second West, 490.44 feet to the most southerly corner of the Doll Distributing parcel;

thence along the easterly line of said Doll Distributing parcel and along the northerly prolongation of said easterly line, North 0 degrees 00 minutes 45 seconds East, 981.95 feet to the Point of Beginning.

AMENDMENT NO. 1

Amendment No. 1 added no new land.

AMENDMENT NO. 2 AREA

A PARCEL OF LAND LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER (W1/2 SE1/4) OF SECTION 3, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 3;

THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, SOUTH 00 DEGREES 39

MINUTES 35 SECONDS WEST, 1552.04 FEET TO THE TRUE POINT OF BEGINNING:

THENCE SOUTH 88 DEGREES 23 MINUTES 26 SECONDS EAST, 279.66 FEET;

THENCE NORTH 00 DEGREES 47 MINUTES 48 SECONDS EAST, 1222.00 FEET;

THENCE NORTH 88 DEGREES 23 MINUTES 26 SECONDS WEST, ALONG A LINE 330.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE1/4) OF SECTION 3, A DISTANCE OF 82.58 FEET:

THENCE NORTH 00 DEGREES 39 MINUTES 35 SECONDS EAST, ALONG A LINE 200.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SOUTHEAST QUARTER (SE1/4) SECTION 3, A DISTANCE OF 290.00 FEET:

THENCE SOUTH 88 DEGREES 23 MINUTES 26 SECONDS EAST, ALONG A LINE 40.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE1/4) SECTION 3, A DISTANCE OF 1117.97 FEET:

THENCE SOUTH 00 DEGREES 39 MINUTES 48 SECONDS WEST, A DISTANCE OF 2435.39 FEET TO A POINT THAT IS 165.00 FEET NORTH OF AND 1317.73 FEET EAST OF THE SOUTH QUARTER CORNER OF SAID SECTION 3;

THENCE NORTH 88 DEGREES 40 MINUTES 24 SECONDS WEST, ALONG A LINE 165.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER (SE1/4) SECTION 3, A DISTANCE OF 1317.73 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER (SE1/4) SECTION 3;

THENCE NORTH 00 DEGREES 39 MINUTES 35 SECONDS EAST, ALONG SAID WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) SECTION 3, A DISTANCE OF 929.85 FEET TO THE POINT OF BEGINNING AND INCLUDING THE ABUTTING RIGHT-OF-WAY ON THE SOUTH.

SAID PARCEL CONTAINS AN AREA OF 69.5 ACRES, MORE OR LESS.

WHEREAS, the proposed urban renewal area includes land classified as agricultural land and written permission of the current owners has been obtained; and

WHEREAS, a proposed Amendment No. 3 to the Plan has been prepared, which proposed Amendment is on file in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to identify project activities not specifically identified in the existing Plan, modify the effective term of the Plan and to set forth and include within the Plan additional land, as follows:

A parcel of land being a portion of the East Half of the Southeast Quarter (E1/2 SE1/4) and a portion of the South Half of the Northeast Quarter (S1/2 NE1/4) of Section 3, Township 74 North, Range 44 West of the Fifth Principal Meridian and Blocks 11 thru 18, 39 thru 46, 67 thru 74, 95 thru 98, Railroad Addition, all in the City of Council Bluffs, Pottawattamie County, Iowa, bounded and described as follows:

Beginning at the east quarter corner of said Section 3;

thence along the North line of said Railroad Addition, South 89 degrees 07 minutes 44 seconds East, 1,374.81 feet to a point on the northerly prolongation of the east right-of-way line of South 21st Street;

thence along said northerly prolongation and along said east right-of-way line, South 0 degrees 33 minutes 10 seconds West, 2,475.09 feet to a point on the northerly right-of-way line of Interstate Highways 29 and 80;

thence along said Interstate right-of-way line, the following
11 courses:

- 1) North 89 degrees 07 minutes 41 seconds West, 386.61 feet
- 2) North 67 degrees 41 minutes 30 seconds West, 793.02 feet
- 3) North 89 degrees 27 minutes 04 seconds West, 169.64 feet
- 4) South 0 degrees 32 minutes 56 seconds West, 25.26 feet
- 5) North 89 degrees 07 minutes 47 seconds West, 82.00 feet
- 6) North 0 degrees 33 minutes 51 seconds East, 28.13 feet
- 7) South 73 degrees 40 minutes 23 seconds West, 543.90 feet
- 8) South 38 degrees 36 minutes 51 seconds West, 52.25 feet
- 9) South 73 degrees 40 minutes 36 seconds West, 158.89 feet to the beginning of a curve, concave northwesterly, having a radius of 750.43 feet;
- 10) southwesterly along said curve, through a central angle of 18 degrees 02 minutes 04 seconds, 236.21 feet;
- 11) North 88 degrees 16 minutes 36 seconds West, 371.78 feet to a point on the west line of said East Half of the Southeast Quarter (E1/2 SE1/4) of said Section 3;

thence along said West line, North 0 degrees 39 minutes 48 seconds East, 2,435.39 feet to a point on the South right-of-way line of 23rd Avenue;

thence along said south right-of-way line, North 88 degrees 22 minutes 15 seconds West, 1,117.36 feet;

thence North 0 degrees 39 minutes 35 seconds East, 80.18 feet to a point on the North right-of-way line of said 23rd Avenue;

thence along said north right-of-way line, South 88 degrees 23 minutes 25 seconds East, 1,793.57 feet to the beginning of curve, concave southwesterly, having a radius of 568.05 feet;

thence continuing along said north right-of-way line and along said curve, through a central angle of 22 degrees 41 minutes 01 second, 225.39 feet to a point on the North line of said East Half of the Southeast Quarter (E1/2 SE1/4) of said Section 3;

thence along said North line, South 89 degrees 08 minutes 00 seconds East, 409.82 feet to the Point of Beginning;

said parcel contains an area of 148 acres, more or less.

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by said Plan;

WHEREAS, the Iowa statutes require the City Council to submit the proposed Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) to the Planning and Zoning Commission for review and recommendation as to its conformity with the general plan for development of the City as a whole, prior to City Council approval thereof; and

WHEREAS, adoption of Amendment No. 3 has been approved by the Planning and Zoning Commission for the City as being in conformity with the general plan for development of the City as a whole, as evidenced by its written report and recommendation filed herewith, which report and recommendation is hereby accepted, approved in all respects and incorporated herein by this reference; and

WHEREAS, by resolution adopted on August 25, 2008, this Council directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Amendment No. 3 to the Mid-America Center (MAC) Urban

Renewal Plan (f/k/a MARCC Urban Renewal Plan) and the division of revenue described therein, and that notice of said consultation and a copy of the proposed Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) be sent to all affected taxing entities; and

WHEREAS, pursuant to such notice, the consultation was duly held as ordered by the City Council and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of the Designated Representative filed herewith and incorporated herein by this reference, which report is in all respects approved; and

WHEREAS, by said resolution this Council also set a public hearing on the adoption of Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) for this meeting of the Council, and due and proper notice of said public hearing was given, as provided by law, by timely publication in the "Daily Nonpareil", which notice set forth the time and place for this hearing and the nature and purpose thereof; and

WHEREAS, in accordance with said notice, all persons or organizations desiring to be heard on said proposed Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan), both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Council in connection therewith and said public hearing has been closed.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the findings and conclusions set forth or contained in the Plan and Amendment No. 3 thereto concerning the area of the City of Council Bluffs, Iowa described in the preamble hereof, be and the same are hereby ratified and confirmed in all respects as the findings of this Council for this area.

Section 2. This Council further finds:

a. Relocation is not expected, however, a feasible method exists for the relocation of any families who will be displaced from the Mid-America Center (MAC) Urban Renewal Area (f/k/a MARCC Urban Renewal Area) into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

b. The Plan and Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) of the City of Council Bluffs, Iowa, conform to the general plan for the development of the City as a whole; and

c. Acquisition is not expected, however, as to any areas of open land included within the Mid-America Center (MAC) Urban Renewal Area (f/k/a MARCC Urban Renewal Area) to be acquired by the City:

i. Residential use is not expected, however, with reference to any portions thereof which are to be developed for residential uses, this City Council hereby determines that a shortage of housing of sound standards and design with decency, safety and sanitation exists within the City; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

A. That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

B. That conditions of blight in the municipality and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

C. That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

D. The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

ii. Non-residential use is expected and with reference to those portions thereof which are to be developed for non-residential uses, the City Council hereby determines that such non-residential uses are necessary and

appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 3. That the Mid-America Center (MAC) Urban Renewal Area (f/k/a MARCC Urban Renewal Area) is an economic development area within the meaning of Iowa Code Chapter 403; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403 of the Code of Iowa, and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of this City.

Section 4. That Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) of the City of Council Bluffs, Iowa be and the same is hereby approved and adopted as "Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) for the City of Council Bluffs, Iowa"; Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) of the City of Council Bluffs, Iowa, is hereby in all respects approved; and the City Clerk is hereby directed to file a certified copy of said Amendment No. 3 with the proceedings of this meeting.

Section 5. That the Plan, as so amended, for the Mid-America Center (MAC) Urban Renewal Area (f/k/a MARCC Urban Renewal Area) shall be in full force and effect from the date of this Resolution until the later of the date of termination set forth in the Plan as so amended, or the date on which payment of all obligations issued or advances made to carry out the purposes thereof shall be fully provided for. Said proposed Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) shall be forthwith certified by the City Clerk, along with a copy of this Resolution, to the Recorder for Pottawattamie County, Iowa, to be filed and recorded in the manner provided by law.

Section 6. That all other provisions of the Plan not affected or otherwise revised by the terms of Amendment No. 3 thereto, as well as Resolution No. 08-251 previously adopted by this City Council be and the same are hereby ratified, confirmed and approved in all respects.

PASSED AND APPROVED this 22nd day of September, 2008.

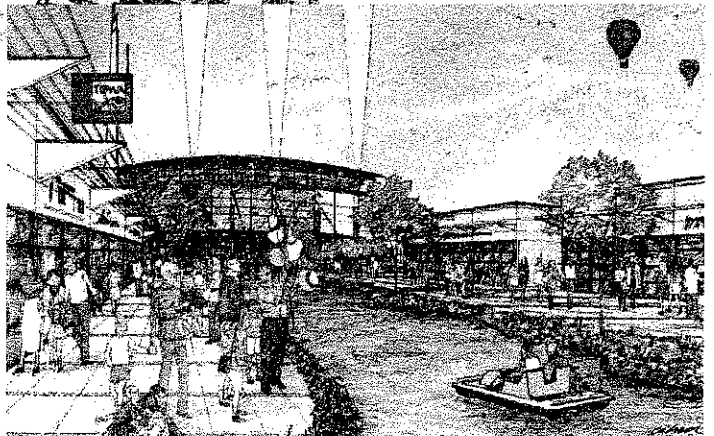
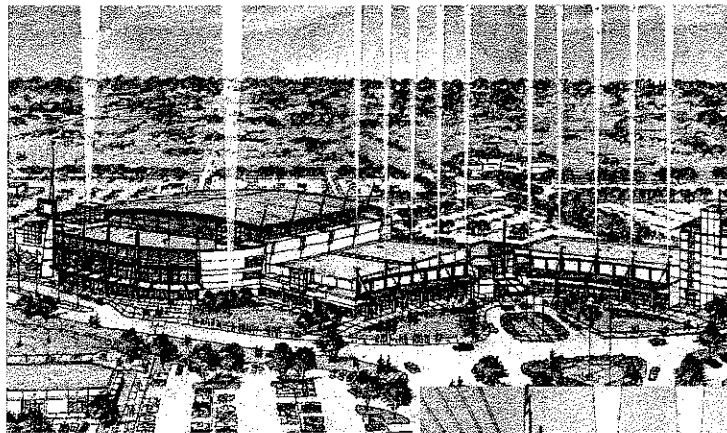
Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

DLILLEBO\591788.1\WP10342.086

MID-AMERICA CENTER URBAN RENEWAL PLAN F/K/A MARCC URBAN RENEWAL AREA AMENDMENT # 3



City of Council Bluffs, Iowa
August September 2008

CHAPTER I INTRODUCTION

In 2001 the City of Council Bluffs determined that the need existed for urban renewal actions in an area along I-29 and Nebraska Avenue to South 35th Street then south to an area south of 23rd Avenue from the east line of Doll Distributing to the west line of Bluffs Run Casino (now operating as the Horseshoe Casino Council Bluffs). These actions were necessary in order to accommodate the proposed Mid-America Center (MAC) (f/k/a Mid-America Recreation and Convention Complex (MARCC)) project and accompanying commercial development. Assistance in the form of an urban renewal project area, conforming to Section 403 of the Iowa Code, was necessary to acquire land; remove blighted, incompatible or undesirable land uses; improve regulatory control; improve public infrastructure and facilities; and to allow for private development or redevelopment on cleared or vacant land.

The MAC Urban Renewal Plan was approved by the Council Bluffs City Council on May 21, 2001 with the adoption of Resolution No 01-140. Subsequent to the initial 2001 adoption, the MAC Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) was amended by the Council Bluffs City Council on January 26, 2004 with the adoption of Resolution No 04-11. This amendment (Amendment No. 1) modified various sections of the original plan to permit the City to acquire, lease, and maintain destination retail facilities. These amendments were necessary to accommodate the financing and construction of Bass Pro Shops.

In 2006, the City has now determined that land areas to the east of the original MAC Urban Renewal Area should be incorporated into the Plan and Area. This amendment (Amendment No. 2) included These areas include 69.5 acres of land containing the Horseshoe Casino. To implement this action, Amendment No. 2 to the MAC Urban Renewal Plan has been prepared. Upon adoption by the City Council, Amendment No. 2 will modify the legal description of the original area by adding approximately 69.5 acres of land to the MAC Urban Renewal Area. Amendment No. 2 was approved by City Council with the Adoption of Resolution No. 06 -276 on October 23, 2006. The purpose of these actions are were to assist the City in recovering its public infrastructure and facility investment costs which serve both the Mid America Center and Horseshoe Casino. In addition, the City desires to better coordinate future development and strengthen pedestrian and vehicular connections between the MAC and Horseshoe Casino. Concurrent to the adoption of Amendment No. 2, the City intends to modified the existing tax increment financing regime to include the additional area added to the original MAC Urban Renewal Plan and Area.

The City has now determined that a third amendment is needed to accomplish two three objectives:

1. To add new area to the east of the Amended MAC Urban Renewal Area; and
2. To identify proposed project area activities not specifically identified in the existing plan; and
3. To modify the effective term of the MAC Urban Renewal Plan.

A description of the area being added as a result of this Amendment is included in Chapter II of this

document. Except as modified by this Amendment and Amendments #1 and #2, the provisions of the original MAC Urban Renewal Plan, are hereby ratified, confirmed and approved and shall remain in full force and effect as provided therein.

District Designation: The original urban renewal area was declared an economic development area, conforming to Section 403.2.3 of the Iowa Code. The plan's purpose, objectives and project proposals are described within this document. Amendment #3 is also an economic development area, appropriate for commercial development.

CHAPTER II DESCRIPTION OF URBAN RENEWAL AREA

1. LEGAL DESCRIPTION

The boundaries of the MAC Urban Renewal Project Area, as amended by Amendments #1, #2 and #3, are shown on Illustration 1. The MAC Urban Renewal Project Area, area is legally described as:

ORIGINAL PROJECT AREA

A parcel of land being a portion of the West Half (W1/2) and a portion of the West Half of the East Half (W1/2 E1/2) of Section 3, and a portion of the North Half (N1/2) of Section 4, all in Township 74 North, Range 44 West of the Fifth Principal Meridian, City of Council Bluffs, Pottawattamie County, Iowa, bounded and described as follows:

Beginning at the west quarter corner of said Section 3;

thence along the west line of said Section 3, North 0 degrees 00 minutes 00 seconds East, 40.02 feet to a point on the northerly right-of-way line of 23rd Avenue;

thence along said northerly right-of-way line, South 88 degrees 23 minutes 25 seconds East, 340.05 feet;

thence continuing along said northerly right-of-way line, North 75 degrees 58 minutes 12 seconds East, 37.20 feet to a point on the westerly right-of-way line of 35th Street Diagonal;

thence along said westerly right-of-way line, North 22 degrees 16 minutes 44 seconds West, 37.20 feet;

thence continuing along said westerly right-of-way line, North 36 degrees 47 minutes 45 seconds West, 173.00 feet;

thence South 53 degrees 12 minutes 15 seconds West, 289.12 feet to a point on the northerly right-of-way line of 23rd Avenue;

thence along said northerly right-of-way line, North 88 degrees 23 minutes 25 seconds West, 26.77 feet;

thence continuing along said northerly right-of-way line, North 88 degrees 08 minutes 44 seconds West, 40.27 feet;

thence North 0 degrees 02 minutes 37 seconds West, 7.93 feet;

thence North 36 degrees 47 minutes 45 seconds West, 11.87 feet;

thence North 53 degrees 12 minutes 15 seconds East, 326.50 feet to a point on the southwesterly right-of-way line of said 35th Street Diagonal;

thence along said 35th Street Diagonal, North 36 degrees 47 minutes 45 seconds West, 1307.28 feet to a point on the southeasterly right-of-way line of Nebraska Avenue;

thence along said southeasterly right-of-way line, South 53 degrees 12 minutes 15 seconds West, 750.00 feet;

thence North 36 degrees 47 minutes 45 seconds West, 100.00 feet;

thence parallel with said southeasterly right-of-way line and along the northwesterly right-of-way line of Nebraska Avenue, North 53 degrees 12 minutes 15 seconds East, 830.00 feet to a point on the northeasterly right-of-way line of said 35th Street Diagonal;

thence along said northeasterly right-of-way line, South 36 degrees 47 minutes 45 seconds East, 1581.05 feet to the beginning of a curve, concave northeasterly, having a radius of 480.82 feet;

thence continuing southeasterly along said northeasterly right-of-way line and along said curve, through a central angle of 51 degrees 35 minutes 40 seconds, 432.97 feet to a point on the northerly right-of-way line of 23rd Avenue;

thence along said northerly right-of-way line, South 88 degrees 23 minutes 25 seconds East, 2087.72 feet to the intersection with the northerly prolongation of the easterly line of a parcel of land conveyed by Joseph B. Katelman and Jeanette Katelman to Iowa Power and Light Company, by Warranty Deed recorded in Book 1497, Page 206 Records of the Pottawattamie County Recorder;

thence along said northerly prolongation and along said easterly line, South 0 degrees 39 minutes 35 seconds West, 370.00 feet to the southeast corner of said conveyed parcel;

thence South 88 degrees 23 minutes 26 seconds East, 82.58 feet;

thence South 0 degrees 47 minutes 48 seconds West, 1272.00 feet;

thence North 88 degrees 23 minutes 26 seconds West, 279.54 feet to the intersection with the north-south centerline of said Section 3;

thence along said north-south centerline, South 0 degrees 39 minutes 35 seconds West, 879.85 feet to a point on the northerly right-of-way line of Interstate Highways 29 and 80;

thence along said Interstate right-of-way line, the following seven (7) courses:

- 1) North 88 degrees 39 minutes 00 seconds West, 379.74 feet;
- 2) North 65 degrees 50 minutes 40 seconds West, 323.86 feet;
- 3) North 88 degrees 09 minutes 40 seconds West, 441.03 feet;
- 4) North 52 degrees 46 minutes 05 seconds West, 615.62 feet;
- 5) North 44 degrees 44 minutes 50 seconds West, 507.81 feet;

- 6) North 42 degrees 29 minutes 15 seconds West, 445.31 feet;
- 7) North 43 degrees 22 minutes 01 second West, 490.44 feet to the most southerly corner of the Doll Distributing parcel;

thence along the easterly line of said Doll Distributing parcel and along the northerly prolongation of said easterly line, North 0 degrees 00 minutes 45 seconds East, 981.95 feet to the Point of Beginning.

AMENDMENT NO. 2 AREA

A PARCEL OF LAND LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER (W1/2 SE1/4) OF SECTION 3, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 3;

THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, SOUTH 00 DEGREES 39 MINUTES 35 SECONDS WEST, 1552.04 FEET TO THE TRUE POINT OF BEGINNING:

THENCE SOUTH 88 DEGREES 23 MINUTES 26 SECONDS EAST, 279.66 FEET;

THENCE NORTH 00 DEGREES 47 MINUTES 48 SECONDS EAST, 1222.00 FEET;

THENCE NORTH 88 DEGREES 23 MINUTES 26 SECONDS WEST, ALONG A LINE 330.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE1/4) OF SECTION 3, A DISTANCE OF 82.58 FEET:

THENCE NORTH 00 DEGREES 39 MINUTES 35 SECONDS EAST, ALONG A LINE 200.00 FEET EAST OF AND

PARALLEL TO THE WEST LINE OF SAID SOUTHEAST QUARTER (SE1/4) SECTION 3, A DISTANCE OF 290.00 FEET:

THENCE SOUTH 88 DEGREES 23 MINUTES 26 SECONDS EAST, ALONG A LINE 40.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE1/4) SECTION 3, A DISTANCE OF 1117.97 FEET:

THENCE SOUTH 00 DEGREES 39 MINUTES 48 SECONDS WEST, A DISTANCE OF 2435.39 FEET TO A POINT THAT IS 165.00 FEET NORTH OF AND 1317.73 FEET EAST OF THE SOUTH QUARTER CORNER OF SAID SECTION 3;

THENCE NORTH 88 DEGREES 40 MINUTES 24 SECONDS WEST, ALONG A LINE 165.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER (SE1/4) SECTION 3, A DISTANCE OF 1317.73 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER (SE1/4) SECTION 3;

THENCE NORTH 00 DEGREES 39 MINUTES 35 SECONDS EAST, ALONG SAID WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) SECTION 3, A DISTANCE OF 929.85 FEET TO THE POINT OF BEGINNING AND INCLUDING THE ABUTTING RIGHT-OF-WAY ON THE SOUTH.

SAID PARCEL CONTAINS AN AREA OF 69.5 ACRES, MORE OR LESS.

All together, the original urban renewal area and the area added by Amendment No. 2 contains an area of 203.9 acres, more or less.

The legal description for the area added by Amendment # 3 to the MAC Urban Renewal Plan and Area includes the following:

A parcel of land being a portion of the East Half of the Southeast Quarter (E1/2 SE1/4) and a portion of the South Half of the Northeast Quarter (S1/2 NE1/4) of Section 3, Township 74 North, Range 44 West of the Fifth Principal Meridian and Blocks 11 thru 18, 39 thru 46, 67 thru 74, 95 thru 98, Railroad Addition, all in the City of Council Bluffs, Pottawattamie County, Iowa, bounded and described as follows:

Beginning at the east quarter corner of said Section 3;

thence along the North line of said Railroad Addition, South 89 degrees 07 minutes 44 seconds East, 1,374.81 feet to a point on the northerly prolongation of the east right-of-way line of South 21st Street;

thence along said northerly prolongation and along said east right-of-way line, South 0 degrees 33 minutes 10 seconds West, 2,475.09 feet to a point on the northerly right-of-way line of Interstate Highways 29 and 80;

thence along said Interstate right-of-way line, the following 11 courses:

1. North 89 degrees 07 minutes 41 seconds West, 386.61 feet
2. North 67 degrees 41 minutes 30 seconds West, 793.02 feet
3. North 89 degrees 27 minutes 04 seconds West, 169.64 feet
4. South 0 degrees 32 minutes 56 seconds West, 25.26 feet
5. North 89 degrees 07 minutes 47 seconds West, 82.00 feet
6. North 0 degrees 33 minutes 51 seconds East, 28.13 feet
7. South 73 degrees 40 minutes 23 seconds West, 543.90 feet
8. South 38 degrees 36 minutes 51 seconds West, 52.25 feet
9. South 73 degrees 40 minutes 36 seconds West, 158.89 feet to the beginning of a curve, concave northwesterly, having a radius of 750.43 feet;
10. southwesterly along said curve, through a central angle of 18 degrees 02 minutes 04 seconds, 236.21 feet;
11. North 88 degrees 16 minutes 36 seconds West, 371.78 feet to a point on the west line of said East Half of the Southeast Quarter (E1/2 SE1/4) of said Section 3;

thence along said West line, North 0 degrees 39 minutes 48 seconds East, 2,435.39 feet to a point on the South right-of-way line of 23rd Avenue;

thence along said south right-of-way line, North 88 degrees 22 minutes 15 seconds West, 1,117.36 feet;

thence North 0 degrees 39 minutes 35 seconds East, 80.18 feet to a point on the North right-of-way line of said 23rd Avenue;

thence along said north right-of-way line, South 88 degrees 23 minutes 25 seconds East, 1,793.57 feet to the beginning of curve, concave southwesterly, having a radius of 568.05 feet;

thence continuing along said north right-of-way line and along said curve, through a central angle of 22 degrees 41 minutes 01 second, 225.39 feet to a point on the North line of said East Half of the Southeast Quarter (E1/2 SE1/4) of said Section 3;

thence along said North line, South 89 degrees 08 minutes 00 seconds East, 409.82 feet to the Point of Beginning;

said parcel contains an area of 148 acres, more or less.

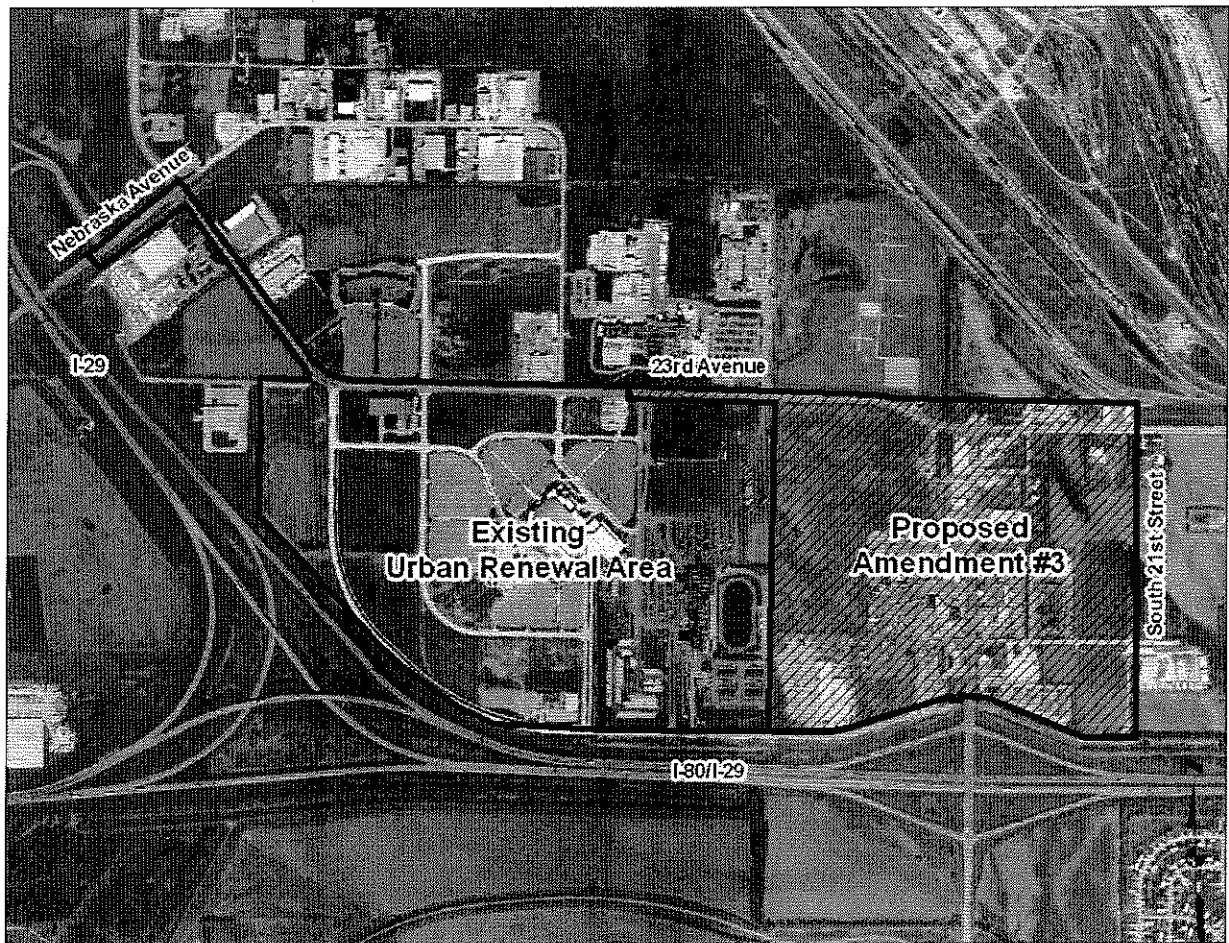
2. PROJECT AREA DESCRIPTION

a. General Description

The MAC Urban Renewal Project Area, as amended by Amendments #1, #2 and #3. This area is located in western Council Bluffs near the I-80 and I-29 commons area. The area is generally located along I-29 and Nebraska Avenue to South 35th Street then south to an area south of 23rd Avenue from the east line of Doll Distributing to South 21st Street ~~the east line of Horseshoe Casino Council Bluffs.~~ In various places, the project area includes the right-of-way of Nebraska Avenue, South 35th Street, 23rd Avenue, I-80 and I-29. Please refer to Illustration 1 for the project area boundaries.

MAC Urban Renewal Plan

ILLUSTRATION 1 LOCATION MAP



CHAPTER III PLAN OBJECTIVES

2. DEVELOPMENT PLAN

Council Bluffs has a general plan for the physical development of the City as outlined in the 1994 Council Bluffs Comprehensive Plan. The goals and objectives of Amendment #3 to the MAC Urban Renewal Plan are consistent with the land use policy, which was adopted as part of the planning process. The area being added as a result of this Amendment is currently a mix of zoning designations, including I-1/Light Industrial, C-2/Commercial, R-3/Low Density Multi-Family Residential and P-C/Planned Commercial. It is anticipated that the proposed amended area will be entirely rezoned to P-C as a result of this project.

CHAPTER IV
PROPOSED URBAN RENEWAL ACTIONS

2. PROJECT AREA ACTIVITIES

- j. Tax Increment Financing - The City of Council Bluffs, Iowa has a general obligation debt capacity of \$145,211,986, as of June 30, 2007, the date of our last audited financial statements. and, as As of June 30, 2007, August 31, 2006, the outstanding general obligation debt of the City was \$58,530,000. in the amount \$54,910,000. Capital lease purchase agreements are also considered debt applicable to the debt limit. This amount was \$130,682 and the amount of tax increment indebtedness was \$28,474,648. These three amounts reduce the legal debt margin to \$48,076,656.

The City will use the division of revenue authorized by Iowa Code Section 403.19 to finance its planning and carrying out of the Urban Renewal Plan in such manner as may be permitted under Chapter 403 of the Iowa Code. The proposed amount of indebtedness to be incurred under the Plan which will qualify for payment from the special fund created by Code Section 403.19, subsection 2, is estimated to be approximately \$63 million in principal. \$6,600,000, which amount shall include loans, advances and indebtedness or where bonds issued and shall exclude obligations replaced, retired or refunded by refinancing.

1. In addition to the proposed project area activities already identified in the amended MAC Urban Renewal Plan, additional proposed project area activities in connection with the MAC Urban Renewal Project Area, as amended, shall include:

1. The expansion of retail opportunities in the community. This does include providing for a division of revenue pursuant to Section 403.19 in connection with the area being added by this Amendment;
2. The City exercising its power pursuant to Iowa Code Section 403.19 and Iowa Code Chapter 423B to use a designated amount of the increased local sales and services tax revenues collected under Chapter 423B which are attributable to retail establishments in an urban renewal area to fund urban renewal projects located in the area. This designated amount may be all or a portion of such increased revenues, but is intended to capture the local one cent sales tax for urban renewal projects within the MAC Urban Renewal Project Area;
3. To provide economic development grants or other incentive for the construction of a 374,000 square foot retail center;

4. To issue a city bond issue in the approximate amount of \$15.5 million;
5. To reimburse the City local costs incurred in the reconstruction of public infrastructure, including South 24th Street from 23rd Avenue to I-80 and Mid American Drive from MAC Boulevard to South 24th Street;
6. To reimburse the City local costs incurred in the construction of a public safety building necessary to serve the area; and
7. To undertake other redevelopment actions within the area, as authorized by Iowa Code Chapter 403; and
8. The ability to exclude from taxation the value added to real estate during the process of construction for development or redevelopment, pursuant to Iowa Code section 403.6(18).

CHAPTER VI

BASE VALUES

For purposes of calculating incremental property tax revenues, or the "division of revenue," as those words are used in Chapter 403 of the Code of Iowa, the original MAC Urban Renewal Area and the area added as a result of Amendment #2 will each retain their existing base values. With respect to the area added by this Amendment #3, if this Amendment #3 is adopted and debt is certified prior to December 1, 2008, the new area being added will have a base value at the January 1, 2007 level. If debt is not certified until a later date, the base value of the new area being added will be the assessed value of the taxable property in the new area being added as of January 1 of the calendar year preceding the calendar year in which the City first certifies the amount of any debt.

For purposes of calculating increased sales and services tax revenues pursuant to Chapter 423B of the Code of Iowa, the "base year" shall mean the fiscal year during which an ordinance is adopted that provides for funding of an urban renewal project by a designated amount of the increased sales and services tax revenues.

CHAPTER VI-VII EFFECTIVE TERM OF URBAN RENEWAL PLAN

The provisions, regulations, controls, requirements, and restrictions of the Mid America Center Urban Renewal Plan for the Mid America Center Urban Renewal Project Area shall be in effect until January 1, 2022. This Amendment #3 will become effective upon its adoption by the City Council, and notwithstanding anything to the contrary stated previously in the MAC Urban Renewal Plan, upon adoption of Amendment #3, the MAC Urban Renewal Plan, as amended, will remain in effect until it is repealed by the City Council.

The use of incremental property tax revenues, or the "division of revenue," as those words are used in Chapter 403 of the Code of Iowa, from the original MAC Urban Renewal Area and the area added by Amendment #2, is limited to twenty (20) years from the calendar year following the calendar year in which the City first certified to the County Auditor the amount of any loans, advances, indebtedness, or bonds which qualify for payment from the incremental property tax revenue attributable to the property located in the original MAC Urban Renewal Area and the area added by Amendment #2 respectively.

With respect to the area added by this Amendment #3, the use of incremental property tax revenues, or the "division of revenue," as those words are used in Chapter 403 of the Code of Iowa, is limited to twenty (20) years from the calendar year following the calendar year in which the City first certifies to the County Auditor the amount of any loans, advances, indebtedness, or bonds which qualify for payment from the incremental property tax revenues attributable to the property added as a result of this Amendment #3.

Pursuant to Chapter 423B of the Code of Iowa, any ordinance adopted by the City pertaining to local sales and services tax revenues to be used for urban renewal projects within the MAC Urban Renewal Project Area, shall be repealed when the area ceases to be an urban renewal area or twenty years following the base year, whichever is earlier.

Developers who hereinafter obtain an interest in or title to property within the project area from the City for uses in accordance with this plan may be required to execute a covenant in favor of the City, binding on themselves and their successors in interest, to observe the regulations and restrictions of this plan in the use of such property and in the design of improvements which are placed thereon. Such covenants will be binding during the effective term of this urban renewal plan, as set forth herein above.

Urban Renewal Plan Amendments

This Urban Renewal Plan may be amended from time to time to include changes in the area, to modify goals or types of renewal activities, or to amend property acquisition and disposition provisions.

The City Council may amend this plan by resolution after holding a public hearing on the proposed change in accordance with applicable state law.